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6 Attorneys for Defendant LAWRENCE KAM

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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 ANDREW BOYD,

NO. C07-03595 JCS

12 Plaintiff,

**STIPULATION BY PARTIES TO  
CONTINUE INITIAL CASE  
MANAGEMENT CONFERENCE**

13 vs.

14 LAWRENCE KAM,

15 Defendant.  
16 \_\_\_\_\_ /

17 COME NOW PLAINTIFF ANDREW BOYD by and through his attorney of record Walter  
18 L. Davis, and Defendant LAWRENCE KAM by and through his attorneys of record David J.  
19 Samuelsen/Jennifer A. Kung, hereby stipulate to continue the Initial Case Management  
20 Conference from October 19, 2007 at 1:30 p.m. in Courtroom A, 15<sup>th</sup> Floor, to November 16,  
21 2007, at 1:30 p.m. in Courtroom A, 15<sup>th</sup> Floor, for the following GOOD CAUSE:

- 22 1. Plaintiff's Complaint was filed July 11, 2007.  
23 2. This Court entered it's Order Setting Initial Case Management Conference and  
24 ADR Deadlines on July 11, 2007, setting the Initial Case Management Conference for October  
25 19, 2007.  
26 3. Defendant answered Plaintiff's complaint on September 27, 2007.  
27 4. On September 27, 2007, the parties met and conferred regarding the discovery

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STIPULATION BY PARTIES TO CONTINUE INITIAL CASE MANAGEMENT CONFERENCE

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1 and ADR. As a result of the meet and confer efforts, the following were discussed:

2 a. The parties shall try to set Plaintiff's treating physicians' depositions  
3 (approximately 3 in total) for sometime December 7, 2007, provided said treating physicians  
4 are available. These depositions will take place in Boston, Massachusetts.

5 b. Plaintiff's deposition will be set sometime middle of December 2007.  
6 Location of said deposition is still pending, and may take place in Massachusetts or Northern  
7 California.

8 c. If an Independent Medical Examination is required, said IME will be set  
9 at the same time as Plaintiff's deposition, both to take place in Northern California.

10 d. An initial round of discovery will be served upon Plaintiff within the week.

11 e. Authorizations for release of medical records and employments records  
12 have already been circulated and will continue to circulate on an as needed basis to obtain  
13 Plaintiff's treatment and employment records.

14 f. This case is suitable for mediation through this Court's ADR program. A  
15 potential mediation date January/February 2008 is not an unrealistic time frame, again,  
16 depending upon the time/cooperation of the physician depositions.

17 5. During the meet and confer discussion of September 27, 2007, it became  
18 apparent that a continuance of the case management conference is necessary. Counsel for  
19 Plaintiff will be in Chicago, Illinois on October 19, 2007; counsel for Defendant will be in the  
20 Caribbean on October 19, 2007.

21 6. Given the agreements reached by counsel regarding a discovery schedule and  
22 ADR, and the unavailability of counsel on October 19, 2007, the parties agreed to stipulate  
23 and request of this court an order continuing the Initial Case Management Conference.  
24 Counsel for Plaintiff will be before this Court on November 16, 2007, so in the interest of  
25 economy, this date was selected as a proposed Initial Case Management Conference date  
26 for this case.

27 7. This Stipulation is proper under Federal Rules of Civil Procedure, Rule 16(b)

- 2 -

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STIPULATION BY PARTIES TO CONTINUE INITIAL CASE MANAGEMENT CONFERENCE

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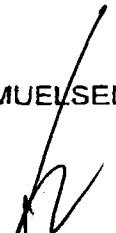
1 which provides: "A schedule shall not be modified except upon a showing of good cause and  
2 by leave of the district judge or, when authorized by local rule, by a magistrate judge." The  
3 1983 Advisory Committee Notes to Rule 16(b) does reflect that a noticed motion is not  
4 necessary to modify the schedule provided good cause is shown.

5 8. The parties respectfully request that this Court consider the parties' stipulation  
6 and continue the initial case management conference to November 16, 2007, at 1:30 pm.

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8 DATED: 10.5.07

9 BENNETT, SAMUELSEN, REYNOLDS & ALLARD

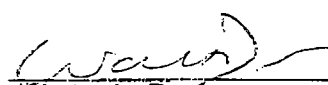
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11  
12 BY

  
13 Jennifer A. Kung  
14 Attorneys for Defendant  
15 LAWRENCE KAM

16 DATED: 9/25/07

17 LAW OFFICES OF WALTER LEE DAVID

18 BY

  
19 Walter L. Davis  
20 Attorneys for Plaintiff  
21 ANDREW BOYD

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STIPULATION BY PARTIES TO CONTINUE INITIAL CASE MANAGEMENT CONFERENCE

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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 ANDREW BOYD,

NO. C07-03595 JCS

12 Plaintiff,

**ORDER ON STIPULATION BY PARTIES  
TO CONTINUE INITIAL CASE  
MANAGEMENT CONFERENCE**

13 vs.

14 LAWRENCE KAM,

15 Defendant.  
16 \_\_\_\_\_/

17 The parties, by and through their attorneys of record, having set forth good cause in  
18 support of their Stipulation to Continue Initial Case Management Conference, and Good  
19 Cause having been demonstrated,

20 IT IS THEREFORE ORDERED that the Initial Case Management Conference currently  
21 set for October 19, 2007, at 1:30 p.m. in Courtroom A, 15<sup>th</sup> Floor, is hereby continued to  
22 November 16, 2007, at 1:30 p.m., in Courtroom A, 15<sup>th</sup> Floor.

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24  
25  
26 DATED:

\_\_\_\_\_  
27 JOSEPH C. SPERO  
UNITED STATES MAGISTRATE JUDGE

**CERTIFICATE OF SERVICE**

I am a citizen of the United States, over the age of 18 years. On **October 5, 2007**, I served the attached:

**STIPULATION BY PARTIES TO CONTINUE INITIAL CASE MANAGEMENT  
CONFERENCE AND PROPOSED ORDER ON STIPULATION BY PARTIES TO  
CONTINUE INITIAL CASE MANAGEMENT CONFERENCE**

on the interested parties in said cause, by placing ( X ) the original; ( ) a true copy thereof enclosed in a sealed envelope addressed as follows:

Walter Lee Davis  
22320 Foothill Blvd., #600  
Hayward, CA 94541

☒ BY MAIL: I caused such envelope(s) to be placed in the United States mail, postage fully prepaid, in accordance with the standard business practices of this office, in the city of Alameda, California.

☐ BY HAND: I caused such envelope to be picked up and delivered to the office(s) of the addressee(s) in accordance with the standard business practices of this office.

☐ BY OVERNIGHT DELIVERY: I caused such envelope to be delivered to [OVERNIGHT SERVICE NAME] for delivery to the office(s) of the addressee(s) as listed above the following day in accordance with the standard business practices of this office.

☐ BY FACSIMILE TRANSMISSION: I caused a copy of such document to be sent via facsimile to the office(s) of the addressee(s) as listed above in accordance with the standard business practices of this office. A true and correct copy of the facsimile confirmation sheet(s) is attached hereto.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on **October 5, 2007**, Alameda, California.

  
CHRISTI BIDWELL

Boyd v. Kam

United States District Court Northern District of California Case No.: C07-03595